

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the reasons that follow.

Claims 1, 14 and 42 stand rejected under 35 U.S.C §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter with applicant regards as the invention. The claims have been amended in order to clarify the alleged indefiniteness. As such, applicant respectfully requests the rejection be withdrawn.

Claims 29 and 32 stand rejected as lacking sufficient antecedent basis for various claim terms. Typos in the claims have been corrected in order to clarify the antecedent basis. As such, applicant respectfully requests the rejection be withdrawn.

Claims 1, 13, 16 & 44 stand rejected under 35 U.S. C. §112, first paragraph as failing to comply with the written description requirement. Specifically, the examiner alleges that the term “gateway communication” is not described so as one of ordinary skill in the art what configuration is meant by gateway communication. Applicant respectfully traverses this rejection.

In paragraph 29, on page 9 of the specification, applicant describes “gateway communication” using an example with the first device being a WAN device and the second device being a LAN. In this example, in the gateway mode, “modem 200 is configured to act as a gateway between the WAN and the LAN.” In other words, in the gateway mode, the modem allows communication between the WAN and LAN communication networks (as opposed to simultaneous communication in which the modem allows the host device to communication simultaneously with the WAN and LAN networks. This concept is further explained in paragraph 33 on page 11. Other portions of the specification provide detailed descriptions of various hardware and software combinations which may be used to prepare one or more embodiments of the invention. Since the application sections pointed out herein, as well as other

sections of the application, describe and explain “gateway communication”, applicant respectfully requests the examiner withdraw the §112, first paragraph rejection.

Claims 1-11, 14, 17-31 & 56-61 stand rejected under 35 U.S. C. §102(e) as being anticipated by Souissi (6,785,556). Applicant respectfully traverses this rejection.

35 U.S.C. §102(e) establishes a reference as prior art in two circumstances: (1) an application for patent, published under section 122(b), *by another* filed in the United States before the invention by the applicant for patent; (2) a patent granted on an application for patent *by another* filed in the United States before the invention by the applicant for patent. In other words, in order for a reference to constitute prior art under §102 (e) it must *by another*. The inventor listed on the reference relied upon by the examiner for the §102(e) rejection is Slim S. Souissi, the same inventor listed for the subject application. As such, the reference does not qualify as prior art since it is not *by another*. Therefore, applicant respectfully requests the rejection be withdrawn.

Claims 12, 15, 32-35, 40-43, 45-49, and 54-55 stand rejected under 35 U.S.C. §103(a) based primarily on Soussi (6,785,556) in combination with various other references. However, as established above, the Soussi reference does not qualify as prior art. For the foregoing reasons, Application respectfully requests that the Examiner withdraw the outstanding rejection.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested. The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 06-1450. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even

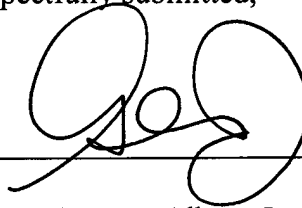
entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1450. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 06-1450.

Date SEPTEMBER 20, 2005

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Respectfully submitted,

By

A handwritten signature in black ink, appearing to read 'G. Peter Albert, Jr.', written over a horizontal line.

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